

Court No. - 20

Case :- WRIT - A No. - 7758 of 2021

Petitioner :- Abhimanyu Dhar Dwivedi And Ors.

Respondent :- State Of U.P.Thru.Addl.Chief Secy. Home And Ors.

Counsel for Petitioner :- Anurag Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

1. Heard learned counsel for petitioners and learned State Counsel for opposite parties.
2. Under challenge are orders dated 09.09.2020, 15.09.2020 and 21.09.2020 as well as order dated 29.06.2020 whereby annual increment fell due to petitioners 1 to 3 on 01.07.2017, 01.07.2015 and 01.07.2015 respectively have been denied since petitioner no.1 is said to have superannuated on 30.06.2017 with petitioners 2 and 3 superannuating on 30.06.2015.
3. A perusal of impugned order makes it evident that the same rejects petitioners' representation(s) only on the ground that there is no such provision for granting annual increment. However, it appears that the aforesaid dispute has already been adjudicated upon and decided in **P.P. Pandey v. State of U.P. and others**, writ petition No. 18375 (S/S) of 2020 which has been followed by another coordinate Bench of this Court in the case of **Nand Vijay Singh and others v. Union of India and others**, Writ A No. 13299 of 2020 which has been quoted with approval by the Supreme Court in the case of **The Director (Admn. and HR) KPTCL & others v. C.P. Mundinamani and others** reported in 2023 Live Law (SC) 296.
4. Learned State Counsel also does not dispute the fact that petitioners are squarely covered by the aforesaid judgment.
5. Upon perusal of aforesaid judgment in **P.P. Pandey** (supra), it appears that petitioners are completely covered by aforesaid

judgment.

6. In view of aforesaid, impugned orders dated 09.09.2020, 15.09.2020 and 21.09.2020 as well as order dated 29.06.2020 are hereby quashed by issuance of a writ in nature of Certiorari. A further writ in nature Mandamus is issued commanding the opposite parties to provide annual increment to petitioners which fell on 01.07.2017, 01.07.2015 and 01.07.2015 respectively with regard to petitioners extending them benefit of judgment rendered in **P.P. Pandey** (supra). Enforcement of the said benefit shall be ensured within a period of three months from the date a certified copy of this order is produced before the concerned authority.

7. Consequently, the petition succeeds and is allowed. Parties to bear their own cost.

Order Date :- 16.12.2023

kvg/-